

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11-cv-00186-MR-DLH**

SYNOVUS BANK,

Plaintiff,

vs.

RANDY J. GARVEY,

Defendant,

vs.

KEITH VINSON, et al.,

**Third Party
Defendants.**

ORDER

THIS MATTER is before the Court on the Report of Bankruptcy Trustee [Doc. 49].

In response to the Court's Order of February 4, 2014 [Doc. 48], the Defendant's Trustee in Bankruptcy has filed a report advising of his determination to abandon any and all interest in the counterclaims and third-party claims asserted by the Defendant in this action. When a claim is abandoned by the trustee, the claim ceases to be a part of the bankruptcy estate and "reverts to the debtor and stands as if no bankruptcy petition

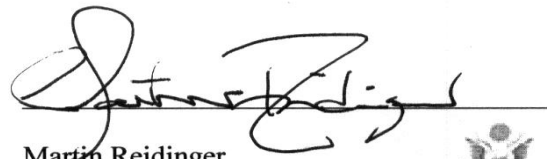
was filed.” Dewsnup v. Timm, 908 F.2d 588, 590 (10th Cir. 1990). In light of the Bankruptcy Trustee’s abandonment of Defendant’s counterclaims and third-party claims, the Court will lift the stay of this action so as to permit the prosecution of such claims.

IT IS, THEREFORE, ORDERED that the stay of this action is lifted with respect to the Defendant’s counterclaims and third-party claims only. This action remains stayed with respect to the Plaintiff’s claims against the Defendant.

IT IS FURTHER ORDERED that within fourteen (14) days of the entry of this Order, Defendant Garvey shall advise the Court in writing whether he intends to pursue these counterclaims and third-party claims. Should the Defendant indicate that he intends to litigate such claims, the Court will enter an amended scheduling order.

IT IS SO ORDERED.

Signed: March 6, 2014


Martin Reidinger
United States District Judge

